	Application No.	Applicant(s)
	09/966,982	LEHMAN ET AL.
Notice of Allowability	Examiner	Art Unit
	Deborah K. Ware	1651
The MAILING DATE of this communication appearance All claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIOF of the Office or upon petition by the applicant. See 37 CFR 1.313	(OR REMAINS) CLOSED in this a or other appropriate communication IGHTS. This application is subject	pplication. If not included on will be mailed in due course. <b>THIS</b>
1. This communication is responsive to 8/27/04.		
2. $\boxtimes$ The allowed claim(s) is/are $\underline{1-5,10,12-16,18-24}$ and $\underline{29-35}$ .		
3. $\square$ The drawings filed on <u>27 September 2001</u> are accepted by	the Examiner.	
<ul> <li>4. ☐ Acknowledgment is made of a claim for foreign priority una) ☐ All b) ☐ Some* c) ☐ None of the: <ol> <li>Certified copies of the priority documents have</li> <li>Certified copies of the priority documents have</li> <li>Copies of the certified copies of the priority documents have</li> <li>International Bureau (PCT Rule 17.2(a)).</li> </ol> </li> <li>* Certified copies not received:</li> </ul>	e been received. e been received in Application No.	
Applicant has THREE MONTHS FROM THE "MAILING DATE" noted below. Failure to timely comply will result in ABANDONN THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.		y complying with the requirements
5. A SUBSTITUTE OATH OR DECLARATION must be subminformal PATENT APPLICATION (PTO-152) which give		
6. CORRECTED DRAWINGS ( as "replacement sheets") must (a) including changes required by the Notice of Draftspers 1) hereto or 2) to Paper No./Mail Date  (b) including changes required by the attached Examiner' Paper No./Mail Date  Identifying indicia such as the application number (see 37 CFR 1 each sheet. Replacement sheet(s) should be labeled as such in the state of the sheet.	son's Patent Drawing Review ( PTC . s Amendment / Comment or in the .84(c)) should be written on the draw	Office action of
DEPOSIT OF and/or INFORMATION about the depo attached Examiner's comment regarding REQUIREMENT	sit of BIOLOGICAL MATERIAL	must be submitted. Note the
Attachment(s)  1. Notice of References Cited (PTO-892)  2. Notice of Draftperson's Patent Drawing Review (PTO-948)  3. Information Disclosure Statements (PTO-1449 or PTO/SB/O Paper No./Mail Date  4. Examiner's Comment Regarding Requirement for Deposit of Biological Material	6. ☑ Interview Summar Paper No./Mail D 08), 7. ☑ Examiner's Amend	ate

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An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on September 30, 2004, Michelle Samonek requested an extension of time for 1 MONTH(S) and authorized the Director to charge Deposit Account No. 50-2767 the required fee of \$110.00 for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the title

Changed the title to – METABOLITE FROM STREPTOMYCES STRAIN NRRL ACCESSION NO. B-30145 AND MUTANTS THEREOF FOR CONTROLLING PLANT DISEASES --.

In the claims

Claim 1, line 1, deleted "An" and inserted —A composition comprising at least one--;

Claim 2, line 1, deleted first occurrence of "metabolite" and inserted – composition—and further deleted "or claim 40"

Claim 3, line 1, deleted first occurrence of "metabolite" and inserted – composition--;

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Claim 4, line 1, deleted first occurrence of "metabolite" and inserted – composition—and further deleted "or claim 40";

Claim 5, line 1, deleted first occurrence of "metabolite" and inserted – composition—;

Claim 10, line 1, deleted first occurrence of "metabolite" and inserted – composition—and further deleted "or claim 40";

Claim 12, line 1, deleted "A" and inserted —The—and after "composition" inserted —of claim 1 further--, and after "comprising" deleted "the metabolite of claim 1 or claim 40 and":

Claim 13, line 1, deleted "A" and inserted —The—and after "composition" inserted —of claim 1—and further deleted "of claim" and inserted —and--,

, line 2, deleted "1 or claim 40 and";

Claim 18, line 2, deleted "metabolite" and inserted –composition—and deleted "or claim",

, line 3, deleted "40";

Claim 20, line 1, deleted "further comprising applying an" and inserted –wherein the composition contains more than one metabolite.--,

, lines, 2-3, deleted;

Claim 21, line 1, after "metabolite" inserted —of the composition--;

Claim 23, line 1, after "metabolite" deleted "if" and inserted –of the composition is--;

Claim 29, line 1, deleted "metabolite" and inserted -composition--;

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Claim 31, line 2, deleted "of claim 1 or claim 40";

Claim 32, line 1, deleted "metabolite" and inserted –composition--,

, line 2, after "claim 1" inserted –wherein the metabolite is--;

Claim 34, line 1, before "composition" inserted –antifungal--;

Claim 35, line 1, before "composition" inserted —antifungal--;

Claim 40, canceled;

Claim 41, canceled; and

Claim 42, canceled.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Deborah K. Ware whose telephone number is 571-272-0924. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Wityshyn can be reached on 571-272-0926. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Deborah K. Ware September 29, 2004 DAVID M. NAFF
PRIMARY EXAMINER
ART UNIT 1285